

# Notice of Allowability

Application No.

09/314,593

Examiner

Kenneth N. Vanderpuye

Applicant(s)

TONOGAI, DALE C.

Art Unit

2661

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 1/18/05.
2. ☒ The allowed claim(s) is/are 1-6, 10-14, 17-20, 23-27, 30, 44, 52-53, 67-73; Renumbered as 1-31.
3. ☒ The drawings filed on 05 September 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Omkar Suryadevara on 4/11/05.

Claims 16, 42-43, 51, 66 have been canceled.

Claim 14 has been amended as follows.

In claim 14 line 11, the words "first number." has been changed to --first number; -- then the following has been added after the words "first number;" in line 11

--- maintaining a jitter buffer within a range defined by a maximum size and a minimum size by: adding two copies of a snippet if a current size of the jitter buffer is smaller than a minimum size; dropping a snippet if the current size of the buffer is larger than a maximum size; and adding the snippet to

the jitter buffer if the current size of the jitter buffer is between maximum size and minimum size.---

Claim 52 has been amended as follows:

In claim 52 line 1, the words "The method of claim 51 further comprising" has been deleted, and replaced with the following ---A method for transmitting streaming information in a packetized format, the method comprising:

forming a first packet containing a first number of snippets; and in response to an increase in processing requirements, forming a second packet containing snippets of a second number that is larger than the first number; wherein a destination device that receives the packets holds the snippets temporarily in a jitter buffer before playing information contained in the snippets; and the destination device uses the jitter buffer to average out variations in inter-arrival duration so that the snippets are played out at a uniform rate; ---

Claim 53 has been amended as follows:

In claim 53 line 1, the words "The method of claim 51 further comprising" has been deleted, and replaced with the following ---A method for transmitting streaming information in a packetized format, the method comprising:

forming a first packet containing a first number of snippets; and in response to an increase in processing requirements, forming a second packet containing snippets of a second number that is larger than the first number; wherein a destination device that receives the packets holds the snippets temporarily in a jitter buffer before playing information contained in the snippets; and the destination device uses the jitter buffer to average out variations in inter-arrival duration so that the snippets are played out at a uniform rate; ---

Claim 67 has been amended as follows:

In claim 67 line 1, the words "The device of claim 66 further comprising:" has been deleted and replaced with the following --- A device including: a memory; an information controller coupled to the memory for storing information snippets in the memory; a packet controller coupled to the memory for transmitting a plurality of packets stored in the memory; and

means for forming a first packet containing a first number of snippets and for forming a second packet containing snippets of a second number that is larger than the first number in response to an increase in processing requirements; wherein: the memory comprises a jitter buffer; and the device further comprises reception means for receiving packets from a network; wherein the reception means uses the jitter buffer to average out variations in inter- arrival duration of the packets being received so that the snippets of the received packets are played out at a uniform rate; ---

Claim 68 is amended as follows:

In claim 68 line 1, the words "The device of claim 66 further comprising:" has been deleted and replaced with the following --- A device including: a memory; an information controller coupled to the memory for storing information snippets in the memory; a packet controller coupled to the memory for transmitting a plurality of packets stored in the memory; and means for forming a first packet containing a first number of snippets and for forming a second packet containing snippets of a second number that is larger than the first number in response to an increase in processing requirements; wherein: the memory comprises a jitter buffer; and the

device further comprises reception means for receiving packets from a network; wherein the reception means uses the jitter buffer to average out variations in inter- arrival duration of the packets being received so that the snippets of the received packets are played out at a uniform rate; ---

Claim 69 has been amended as follows:

In claim 69 line 5, after the words "real time;" insert the following ---the second length of time being longer than the first length of time;---

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth N. Vanderpuye whose telephone number is 571-272-3078. The examiner can normally be reached on M-F(7:30-5:00) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KNV  
5/15/05



**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**